

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference T 46368WO/NZ/hs	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/001375	International filing date (day/month/year) 30.06.2004	Priority date (day/month/year) 03.07.2003
International Patent Classification (IPC) or national classification and IPC H01L51/40, H01L21/48, B29C59/04		
Applicant POLYIC GMBH & CO. KG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>7</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/EP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-12 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 2-7, 9-14 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1, 8 _____ received by this Authority on 01.06.2005 with letter of 01.06.2005
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/2-2/2 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1. Statement						
Novelty (N)	Claims		YES			
	Claims	1-14	NO			
Inventive step (IS)	Claims		YES			
	Claims	1-14	NO			
Industrial applicability (IA)	Claims	1-14	YES			
	Claims		NO			
2. Citations and explanations (Rule 70.7)						
Reference is made to the following documents:						
D1: US 2003/112576 A1 (POBANZ CARL W ET AL) 19 June 2003 (2003-06-19)						
D2: US-A-5 259 926 (KUWABARA KAZUHIRO ET AL) 9 November 1993 (1993-11-09)						
D3: WO 02/29912 A (SMITH PAUL; EIDGENOESS TECH HOCHSCHULE (CH); SIRRINGHAUS HENNING (GB)) 11 April 2002 (2002-04-11)						
D4: WO 02/099908 A (BERNDS ADOLF; FIX WALTER (DE); SIEMENS AG (DE); ULLMANN ANDREAS (DE)) 12 December 2002 (2002-12-12)						
D5: WO 2004/032257 A (WILD HEINRICH; BREHM LUDWIG (DE); LUTZ NORBERT (DE); KURZ LEONHARD FA) 15 April 2004 (2004-04-15)						
D6: WO 03/095175 A (BRYAN-BROWN GUY PETER; JONES JOHN CLIFFORD (GB); AMOS RICHARD MICHAEL) 20 November 2003 (2003-11-20)						
1	The amendments submitted with the letter of 1 June 2005 introduce substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure of the international application as					

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	<p>filed. The amendments in question are as follows:</p>
1.1	<p>The feature "contact but not penetrate" is new with respect to the originally filed disclosure. Furthermore, on page 11 of the description, mention is made of an application pressure which is not defined any more closely. Similarly, on page 11, lines 25ff, mention is made of through-contacting and of an opening of the insulator layer and the contact points by the contacts, which even contradicts the amendment.</p>
2	<p>The application does not meet the requirements of PCT Article 6 because claims 1 and 8 are not clear.</p>
2.1	<p>As is shown hereinafter, all the features of device claim 8 except for the feature "structuring means which have certain dimensions" (which is a clear device feature, albeit a thoroughly trivial one) relate to a method for using the device and not to a definition of the device on the basis of its technical features.</p>
	<p>In addition, the wording of the paragraph after "wherein..." in claim 8 amounts to an attempt to define the invention by the result. A person skilled in the art does not obtain any information as to how to achieve this result.</p>
	<p>It seems as though the substrate or the layers are considered as part of the device. This leads to a</p>

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lack of clarity as to whether a device or an object is being claimed.

The intended restrictions are therefore not clear from the claim, contrary to PCT Article 6.

- 2.2 The sequential connection between a structuring means which contacts but does not penetrate, but as a result of the use of which the contacted layer is intended to be permanently structured and penetrated, is questionable and thus makes the features indicated appear unclear (PCT Article 6) - after all, according to the wording of the claim and in the light of the prior art, these are supposed to be essential features.

- 3 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 8 is not novel (PCT Article 33(2)).

Since, as is detailed above, no essential, valid amendments were made, the objections made in the earlier reports are upheld here.

With respect to the different arguments that have already been exchanged repeatedly, it appears that, within the narrow time frame of the PCT, the requirements of PCT Article 34(2)(a) in this regard have been satisfied.